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T.D

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/540,343	03/31/00	VANDERLAAN	VTN0410

IM52/0402

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EXAMINER

MICHL, P

ART UNIT	PAPER NUMBER
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1714

DATE MAILED: 04/02/01

7

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Office Action Summary

Application No. \_\_\_\_\_

Applicant(s) \_\_\_\_\_

Examiner \_\_\_\_\_

Group Art Unit \_\_\_\_\_

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 27-33 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 27-33 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

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The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Winn '009 or Kamel '924 or Fan '205 or Sahatjian '516 or Murayama '211 or Opolski '012 or Shimura '488 or Fan '899 or Fan '738 or Onishi '588 or Whitbourne '517. Applicants' claims are directed to a process for coating a "device" comprising contacting the surface with a carboxy polymer and a coupling agent. All of these references disclose or suggest applying compositions of carboxyl polymer and materials which qualify as "coupling agent" to the surface of devices. See the Abstract and claim 1 of each of these references. It would be obvious to one of ordinary skill in the art to apply a composition of carboxyl polymer and a material in these references which qualifies as coupling agent to the surface of a device. The motivation is that the use of polymer together with material which qualifies as coupling agent is suggested by these references.


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Claims 27-33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hammond '672 or Dollman '596 or Yamasoe '359 or Gregor '873 or Nadkarni '035 or Jones '107 or Kramer '436. All of these references disclose the application of carboxyl polymers and materials which qualify as "coupling agent" to the surface of devices. Applicants do not define "biomedical device" either in the specification or in the claims. Any article can theoretically be used in a biomedical situation and thereby considered to be a "biomedical device". Therefore, the Examiner is taking the position that all of the devices or substrates shown by these references qualify as "biomedical device". It would be obvious to one of ordinary skill in the art to apply a composition comprising carboxyl polymer and a material which qualifies as "coupling agent" to the disclosed devices or substrates shown by these references. See the Abstract and claim 1 of each reference.

Any inquiry concerning this communication should be directed to Paul Michl at telephone number (703) 308-2451.

The Examiner's supervisor is Vasu Jagannathan phone number (703) 306-2777. The fax number for this group is (703) 305-3599.

PRMichl:cdc  
(703) 308-0661  
March 29, 2001

  
PAUL R. MICHL  
PATENT EXAMINER  
ART UNIT 156